2

1

El Dorado Community School Bylaws 03/2011 INDEX

3 4

ARTICLE 5 **PAGE** 6 7 ARTICLE I NAME 1 8 PURPOSES ARTICLE II 9 1 10 ARTICLE III BASIC POLICIES 11 12 RELATIONSHIP WITH NATIONAL PTA AND NEW MEXICO PTA ARTICLE IV 13 14 15 MEMBERSHIP AND DUES..... ARTICLE V 5 16 17 OFFICERS..... ARTICLE VI 18 5 19 DUTIES OF OFFICERS..... 20 **ARTICLE VII** 21 BOARD OF DIRECTORS 22 ARTICLE VIII 7 23 EXECUTIVE COMMITTEE..... 24 ARTICLE IX 25 COMMITTEES 26 ARTICLE X 27 GENERAL MEMBERSHIP MEETINGS 28 ARTICLE XI 29 30 COUNCIL MEMBERSHIP ARTICLE XII 31 NEW MEXICO PTA CONVENTION 32 ARTICLE XIII 9 33 FISCAL YEAR 34 ARTICLE XIV 9 35 36 ARTICLE XV PARLIAMENTARY AUTHORITY 37 AMENDMENTS 38 ARTICLE XVI 39

New Mexico PTA Model Local PTA Bylaws Updated 02/07

42**A**RTICLE **I**: **N**AME

43

44The name of this organization is the El Dorado Parents and Teacher Association 45(PTA/PTSA), Santa Fe, New Mexico. It is a local PTA/PTSA organized under the 46authority of New Mexico Congress of Parents and Teachers, a branch of the 47National Congress of Parents and Teachers (the National PTA).

48

50**Article II: Purposes1

51

52**Section 1**. The Purposes of the El Dorado PTA, in common with those of the 53National PTA and the New Mexico PTA, are:

54 55

56

57

58

- a. To promote the welfare of children and youth in home, school, community, and place of worship
- b. To raise the standards of home life
- c. To secure adequate laws for the care and protection of children and youth
- 59 d. To bring into closer relation the home and the school, that parents and 60 teachers may cooperate intelligently in the education of children and 61 youth
- 62 e. To develop between educators and the general public such united efforts 63 as will secure for all children and youth the highest advantages in physical, 64 mental, social, and spiritual education

65

66**Section 2**. The Purposes of the National PTA, the New Mexico PTA, and the El 67Dorado PTA are promoted through an educational program directed toward 68parents, teachers, and the general public; are developed through conferences, 69committees, projects, and programs; and are governed and qualified by the basic 70policies set forth in Article III.

71

72**Section 3.** The organization is organized exclusively for the charitable, scientific, 73literary, or educational purposes within the meaning of Section 501(c)(3) of the 74Internal Revenue Code or corresponding section of any future federal tax code 75(hereinafter "Internal Revenue Code").

76

77**ARTICLE III: BASIC POLICIES

78

79The following are basic policies of the El Dorado PTA, in common with those of the 80National PTA and the New Mexico PTA:

81 82

- a. The organization shall be noncommercial, nonsectarian, and nonpartisan.
- b. The organization or members in their official capacities shall not endorse a
 commercial entity or engage in activities not related to promoting the
 Objects of the organization.

36

87** Key to double stars: Each PTA shall include in its bylaws those provisions marked with a double star. 88# State PTAs may require that certain provisions be included in local PTA bylaws. Such requirements should be 89designated by the number symbol (#).

 c. The organization or members in their official capacities shall not, directly or indirectly, participate or intervene (in any way, including the publishing or distributing of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office; or devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise.

d. The organization shall work with the schools to provide quality education for all children and youth and shall seek to participate in the decision-making process establishing school policy, recognizing that the legal responsibility to make decisions has been delegated by the people to boards of education, state education authorities, and local education authorities.

e. The organization shall not enter into membership with other organizations except such international or national organizations as may be approved by the National PTA Board of Directors. The New Mexico PTA or any of its divisions may cooperate with other organizations and agencies concerned with child welfare, but PTA/PTSA representatives shall make no commitments that bind the group they represent.

f. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, directors, trustees, officers, or other private individuals except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof.

g. Notwithstanding any other provision of these articles, the organization shall not carry on any other activities not permitted to be carried on (i) by an organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (ii) by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

 h. Upon the dissolution of the organization, after paying or adequately providing for the debts and obligations of the organization, the remaining assets shall be distributed to one or more nonprofit funds, foundations, or organizations that have established their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

131Article IV: Relationship with National PTA and New Mexico PTA 132

#Section 1. This local PTA shall be organized and chartered under the authority 134of the New Mexico PTA in the area in which this local PTA functions, in conformity 135with such rules and regulations, not in conflict with the National PTA Bylaws, as 136the New Mexico PTA may in its bylaws prescribe. The New Mexico PTA shall issue 137to this local PTA an appropriate charter evidencing the due organization and good 138standing of this local PTA.

146

147

161 162

163 164

167

11

140**#Section 2.** To be considered a unit in good standing of the New Mexico PTA, 141each local PTA shall do the following:

- a. Adhere to the Objects and basic policies of the PTA;
- b. Hold at least 3 general meetings per year. The purpose of these meetings shall include the following:
 - 1. Approval of the budget at a fall general meeting;
 - 2. Electing the nominating committee at a winter general meeting;
 - Electing officers at a spring general meeting;
- 148 c. Submit bylaws to the New Mexico PTA at the time of organization of the local unit and every three years thereafter for approval, or when requested by the Bylaws Committee;
- d. Maintain a minimum of ten members annually (schools with an enrollment of less than 100 may request an exemption);
- e. Remit the state and national portions of the dues to the New Mexico PTA as provided in Article V. hereof;
- 155 f. Submit a list of members with the state and national dues;
- 156 g. File an operating budget, immediately upon approval by the unit's 157 members, with the New Mexico PTA within six weeks of the start of the 158 school year;
- h. File a year-end financial statement and proof of audit with the New Mexico PTA within thirty days of the end of the fiscal year;
 - No person who was authorized to sign checks during the fiscal year may participate in the audit;
 - 2. No person who is related to a person authorized to sign checks during the fiscal year may participate in the audit;
- i. And file a copy of IRS Form 990, if required, with New Mexico PTA upon filing with the IRS.

168**Section 3. This local PTA shall adopt such bylaws for the government of the 169organization as may be approved by the New Mexico PTA. Such bylaws shall

- 170 a. Not be in conflict with the National PTA Bylaws or the bylaws of New Mexico PTA.
- 172 b. Include an article on amendments.
- 173 c. Include a provision establishing a quorum for each type of meeting.
- d. Include a provision establishing how the nominating committee for officers shall be elected.
- e. Include provisions corresponding to the provisions of state bylaws identified by the number symbol (#).
- 178 f. Prohibit proxy voting.

179

180**#Section 4.** Each officer or board member of this local PTA shall be a member 181of this local PTA.

182

183**#Section 5.** A PTA member shall not serve as a voting member of this local 184PTA's board while serving as a paid employee of or under contract to this local 185PTA.

186

187**#Section 6.** This local PTA shall keep such permanent books of account and 188records as shall be sufficient to establish the items of gross income, receipts, and 189disbursements of the organization, including, specifically, the number of its

190members, the dues collected from its members, and the amounts of dues 191remitted to the New Mexico PTA. Such books of account and records shall at all 192reasonable times be open to inspection by an authorized representative of the 193New Mexico PTA or, where directed by the committee on state and national 194relationships, by a duly authorized representative of the National PTA.

196**#Section 7.** The charter of this local PTA shall be subject to withdrawal and the 197status of such organization as a local PTA shall be subject to termination, in the 198manner and under the circumstances provided the bylaws of the New Mexico 199PTA.

200

203204

205

206

201**#Section 8.** This local PTA is obligated, upon withdrawal of its charter by the 202New Mexico PTA:

- a. To yield up and surrender all of its books and records and all of its assets and property to the New Mexico PTA or to such agency as may be designated by the New Mexico PTA or to another local PTA organized under the authority of the New Mexico PTA;
- 207 b. To cease and desist from the further use of any name that implies or connotes association with the National PTA or the New Mexico PTA or status as a constituent organization of the National PTA; and
- c. To carry out promptly, under the supervision and direction of the New
 Mexico PTA, all proceedings necessary or desirable for the purpose of
 dissolving the [local PTA name] PTA.

213

214**#Section 9**. Each constituent organization shall elect only one person to serve in 215any one office. The New Mexico PTA may grant exceptions when bylaws provide 216and circumstances require it. If an exception is requested and granted, only one 217person shall be designated as the official office-holder by the New Mexico and 218National PTA; only one set of materials will be sent to the person so named. If 219more than one person serves, due to an exception by the New Mexico PTA, the 220office holders must understand that one office provides only one vote.

221

222**#Section 10.** A local PTA/PTSA, under the supervision and direction of 223the New Mexico PTA, shall dissolve its affairs in the following manner:

- a. Notice, by certified mail, of the pending dissolution must be given to the New Mexico PTA at least forty-five (45) days before the meeting of the membership is held to discuss and vote on the dissolution issue.
- b. Notice of the meeting of the membership must be mailed to all members
 and the New Mexico PTA at least thirty (30) days before the meeting. A
 representative of the New Mexico PTA, designated by the executive
 committee, must be present. A two-thirds ballot vote of members present
 and voting, a quorum being present, must carry this intent of dissolution.
 Dissolution is effective immediately if vote is in the affirmative.
- 233 c. Upon dissolution, the New Mexico PTA must receive:
 - 1. A certified letter giving details of the vote to dissolve
- 235 2. To yield up and surrender all of its books, records, all of it's assets and property to the New Mexico PTA or to such agency as may be designated by the New Mexico PTA or to another local PTA organization under the
- 238 authority of the New Mexico PTA;

- 3. A copy of the final IRS form 990 and the original IRS Employer Identification number (EIN).
- 4. Charter, all New Mexico PTA and National PTA materials, current bylaws and standing rules, and minutes, budget, and all financial books of account and records.
 - d. Disbursement of funds and assets must be approved by a majority vote of members present and voting. All funds and assets must be distributed within two (2) weeks according to Article III, h. No PTA/PTSA money may be used by a new or existing school organization or deposited in school accounts.

251Article V: Membership and Dues

- ***Section 1.** Every individual who is a member of this local PTA is, by virtue of 254that fact, a member of the National PTA and of the New Mexico PTA by which this 255local PTA is chartered, and is entitled to all the benefits of such membership. 256
- ***Section 2.** Membership in this local PTA shall be made available by this local 258PTA, without regard to race, color, creed, or national origin.
- ***Section 3.** This local PTA shall conduct an annual enrollment of members but 261may admit individuals to membership at any time.
- ***Section 4.** Each member of a local PTA shall pay such annual dues to said 264organization. The amount of such dues shall include these portions:
 - a. The portion payable to the New Mexico PTA, as recommended by the board of directors and approved by a two-thirds majority of the voting body at the New Mexico Annual Convention.
- 268 b. The portion payable to the National PTA, as recommended by the board of directors and approved by a two-thirds majority of the voting body at the National PTA Annual Convention.

***Section 5.** The state and national portions of the dues paid by each member of 273a local PTA shall be set aside by the local PTA and remitted to the New Mexico 274PTA on or before the 15th of each month.

- **#Section 6**. The privilege of making motions, debating and voting in elections 277shall be limited to members of the association who are present, whose dues are 278paid and who have been members of the association for at least 15 days.
- a. Membership in a local unit shall be considered to start on the day the unit's membership chairman records receiving payment from the member.
- 281 b. Membership in the New Mexico PTA shall be considered to start on the day 282 the local unit's membership information is logged in at the State Office.
- 283 c. Membership in a local unit and in the New Mexico PTA shall expire on June 30 of each year.

287Article VI: Officers

289**Section 1.**² The officers of the El Dorado PTA shall be a president, one or more 290vice presidents,³ a secretary, and a treasurer.

292**Section 2.** Officers shall be elected by ballot in the month of April. 293

294**Section 3.** The vote shall be conducted by ballot. When there is but one 295candidate for an office, the ballot for that office may be dispensed with and 296election held by voice vote. A majority vote shall be required for election. 297

298**Section 4.** The following provisions shall govern the qualifications and eligibility 299of individuals to be officers of the El Dorado PTA:

**a. Each officer shall be a member of this local PTA.

301 b. No officer may be eligible to serve more than two consecutive terms in the 302 same office, unless no one else is willing or able to serve.

303 c. A person who has served in an office for more than one half of a full term 304 shall be deemed to have served a full term in such office.

305

306**Section 5.** Officers shall assume their official duties following the close of the 307fiscal year in which they are elected and shall serve for a term of one year or until 308a successor takes office.

309

310**Section 6.** A vacancy occurring in the office of president shall be filled for the 311remainder of the unexpired term by the first vice president. A vacancy in any 312office other than president shall be filled by the board of directors.

- 314**Section 7.** A nominating committee composed of three members shall be 315elected by this local PTA at a regular general membership meeting at least two 316months prior to the election of officers.
- 317 a. The committee shall elect its own chair.
- 318 b. The nominating committee shall nominate an eligible person for each 319 office to be filled and report its nominees at the regular general 320 membership meeting in April, at which time additional nominations may be 321 made from the floor.
- 322 c. Only those individuals who are current members of this local PTA and who 323 have signified their consent to serve if elected shall be nominated for, or 324 elected to, such office.
- 325 d. If a nominating committee cannot be formed, nominations of officers shall 326 be solicited from the general membership at least one month prior to the election of officers. 327

328 329

330 Article VII: Duties of Officers

- 332**Section 1.** The president shall:
- 333 a. preside at all meetings of this local PTA;
- 334 b. serve as an ex officio member of all committees except the nominating 335 committee:
- 336 c. coordinate the work of the officers and committees of this local PTA in 337 order that the Objects may be promoted;

338 d. perform such other duties as may be provided for by these bylaws, 339 prescribed by the parliamentary authority, or directed by the board of 340 directors or executive committee.

341

342**Section 2.** The vice president(s) shall:

343 344

- a. act as aide to the president;
- b. in their designated order, perform the duties of the president in the president's absence or inability to serve;
- 347 c. perform such other duties as may be provided for by these bylaws, 348 prescribed by the parliamentary authority, or directed by the president, the 349 board of directors, or the executive committee.

350

351**Section 3.** The secretary shall:

352 353

- a. record the minutes of all meetings of the El Dorado PTA;
- b. distribute minutes to board members prior to the next meeting;
- 355 c. be prepared to read the records of any previous meetings;
- 356 d. file all records;
- e. have a current copy of the bylaws;
- 358 f. maintain a membership list;
- g. perform such other duties as may be provided for by these bylaws, prescribed by the parliamentary authority, or directed by the president, the board of directors, or the executive committee.

362

363**Section 4.** The treasurer shall:

364 365

- a. have custody of the funds of this local PTA
- 366 b. maintain a full account of the funds of this local PTA;
- 367 c. make disbursements as authorized by the president, executive board, or this local PTA in accordance with the budget adopted by this local PTA;
- d. have checks or vouchers signed by two officers;
- e. cause to be kept a full and accurate account of the receipts and disbursements in the books belonging to the El Dorado PTA;
- f. provide a written financial statement to the board of directors at each meeting;
- g. present an annual report of the financial condition of the organization at the annual meeting in April:
- h. submit the books annually or upon change of bank account signatories for an audit by an auditing committee selected by the board of directors at the end of the fiscal year. *iv.*
- i. report the findings of the annual audit to the board of directors and the New Mexico PTA;
- j. perform such other duties as may be provided for by these bylaws,
 prescribed by the parliamentary authority, or directed by the president, the
 board of directors, or the executive committee.

384 385

386#Article VIII: Board of directors

388**Section 1.** The affairs of the El Dorado PTA shall be managed by the board of 389directors in the intervals between local unit PTA general membership meetings. 390

- 391**Section 2**. The members of the board include, but not be limited to:
- 392 a. elected officers;
- b. Community Sponsorship Program Committee Chair, Fun Run Committee
 Chair, Halloween Carnival Committee Chair, Rock The Arts Committee
 Chair.
- 396 c. The president may appoint a parliamentarian, subject to approval of the executive committee of this local PTA.

407

408

409

424

435 436

- a. carry out such business as may be referred to it by the membership of the 399 400 association;
- 401 b. create special committees:
- 402 c. present a report at the regular general membership meetings of this local 403
- 404 d. select an auditor or an auditing committee to audit the treasurer's 405 accounts:
 - 1. no one who is authorized to sign checks for fiscal year being audited may be a member of the committee;
 - 2. the treasurer may be present at the audit for the purpose of consultation only;
- e. prepare and submit an annual budget to this local PTA's general 410 411 membership for adoption;
- 412 f. approve payment of routine bills within the limits of the approved budget. 413
- 414**Section 4.** If any member of the board of directors shall at any time cease to 415meet the qualifications or fulfill the duties of the position, that person may be 416removed from the board by resolution adopted by the board of directors. 417
- 418**Section 5.** Regular meetings of the board shall be held with the date and time 419to be fixed by the board at its first meeting of the year. 420
- 421**Section 6.** Special meetings of the board may be called by the president or 422when requested by 3 members upon 14 days' written notice to each member of 423the board.
- 425**Section 7.** At all meetings of the board, a majority of the members of the board 426then in office shall constitute a quorum for the transaction of business. 427
- 428**Section 8.** Upon the expiration of the term of office or when individuals cease to 429hold the position that entitles them to be a member of the board, they shall 430automatically cease to be a member of the board and shall be relieved of all 431duties and responsibilities incident to such membership. All records, books and 432other materials pertaining to the position shall be turned over to the president 433and all funds pertaining to the position shall be returned to the treasurer within 434fourteen days.

437 Article IX: Executive Committee 438

439**Section 1.** There shall be an executive committee of the El Dorado PTA, the 440members of which shall be:

- a. all elected officers; and 441
- 442 b. El Dorado Community School Principal [member ex officio]
- 444 **Section 2.** Special meetings of the executive committee may be called by the 445president or upon written request of 2 members with 14 days' notice to each 446member of the executive committee. 447

448**Section 3.** A majority of the executive committee shall constitute a quorum for 449the transaction of business.

450

- 451**Section 4.** Duties of the executive committee shall be to:
- a. transact business referred to it by the board; 452
- 453 b. appoint committee chairmen, except for the nominating committee;
- c. approve the work of the committees: 454
- 455 d. act in emergencies between meetings of the board;
- 456 e. make a report at each board meeting;
- 457 f. prepare an agenda for all meetings

458

459The executive committee shall take no action in conflict with any action taken by 460the board of directors.

461

462

463 ARTICLE X: COMMITTEES

465**Section 1**. Only members of this local PTA shall be eligible to serve in any 466elective or appointive positions.

- 468**Section 2.** The standing committees of this local PTA shall include, but not be 469limited to:
- 470 a. [list, i.e. bylaws, legislative, student enrichment, etc.]

471

472**Section 3.** The board of directors may create such special committees as it may 473deem necessary to promote the Objects of PTA and carry on the work of this local 474PTA.4

475

476**Section 4.** The term of office of a committee chairman shall be 2 years or until 477the selection of a successor.

478

479**Section 5.** The chairman of each committee shall present a plan of work to the 480executive committee for approval. No committee work shall be undertaken 481 without the consent of the executive committee. 482

483

484Article XI: General Membership Meetings

486**Section 1**. Regular meetings of this local PTA shall be held 5 times a year on the 487third Wednesday of September, November, February, March and April. 14 days' 488notice shall be given to the membership of any change of date.

490**Section 2**. Special meetings of this local unit PTA may be called by the president 491or by a majority of the board of directors, 14 days' notice having been given.

492 493**Section 3**. The annual meeting shall be held in April.

495**Section 4.** Twelve members shall constitute a quorum for the transaction of 496business in any meeting of this local PTA. 497

499#ARTICLE XII: COUNCIL MEMBERSHIP

501[This article applies only to those local PTAs holding membership in a council PTA. 502The following sections **must** correspond to the council PTA bylaws, and are 503provided as a guideline to local PTAs.]

Section 1. This local PTA shall be represented in meetings of the [<u>name</u>] Council 506PTA by the president, or appointed alternate, and by [<u>number</u>] delegate(s) or 507alternate(s).

- a. All representatives to the council PTA must be members of this local PTA.
- 510 b. Delegates and their alternates shall be chosen by election in [month].
- 511 c. Delegates to the [name] Council PTA shall serve for a term of [number] year(s).

Section 2. This local PTA shall pay annual dues to the [name] Council PTA as 515provided in the [name] Council PTA bylaws.

518#Article XIII: New Mexico PTA Convention

[The following sections $\underline{\textbf{must}}$ correspond to the state PTA bylaws, and are 521provided as a guideline to local PTAs.]

Section 1. This local PTA may be represented at the annual meeting of the New 524Mexico PTA by the president, or appointed alternate, and by 3 delegate(s) or 525alternates. [Note: state PTA bylaws provide for an additional delegate for each 25 526members or major portion thereof.]

- 528 a. All representatives to the New Mexico PTA convention must be members of this local PTA.
- 530 b. Delegates and their alternates shall be chosen by vote or appointment in the month of April.
- 532 c. This local unit may send additional non-voting members for educational enrichment opportunities.

536#Article XIV: Fiscal Year

538The fiscal year of the El Dorado PTA shall begin on July 1 and end on the following 539June 30.

542** ARTICLE XV: PARLIAMENTARY AUTHORITY

544The rules contained in the current edition of *Robert's Rules of Order Newly* 545*Revised* shall govern the El Dorado PTA and in all cases in which they are

546applicable and in which they are not in conflict with these bylaws, the National 547PTA Bylaws, the New Mexico PTA bylaws, or the articles of incorporation.

550Article XVI: Amendments and Revisions

Section 1. These bylaws may be amended at any regular general membership 553meeting of the El Dorado PTA by a two-thirds vote of those members present and 554voting, a quorum being present, provided that the proposed amendments have 555been approved by New Mexico PTA and notice of the proposed amendments has 556been provided to the membership thirty days prior to the meeting.⁵

Section 2. A committee may be appointed by a majority vote at a general 559membership meeting of this local PTA, or by a 2/3 vote of the board of directors 560of this local PTA, to submit a revised set of bylaws.

Section 3. Submission of amendments or revised bylaws for approval by the 563New Mexico PTA shall be in accordance with the bylaws or regulations of the New 564Mexico PTA.

566** **Section 4.** The adoption of an amendment to any provision of the National 567PTA Bylaws identified by a double star shall serve automatically and without the 568requirement of further action by the El Dorado PTA to amend their corresponding 569bylaws. Local PTAs shall promptly incorporate such amendments in their 570respective bylaws.

572** **Section 5.** The adoption of an amendment to any provision of the bylaws of 573the New Mexico PTA identified by a number symbol (#) shall serve automatically 574and without the requirement of further action by El Dorado PTA to amend their 575corresponding bylaws.

55¹ In 1977 the title of Article II was changed to conform with the District of Columbia corporation laws that govern the 56National PTA. This change was recommended by an attorney and approved by convention delegates. The remainder of the 57article retains the word *Objects* for its historical significance.

58

59² According to parliamentary procedure it is customary that only one person shall be elected to serve in any one office. The 60state PTA may grant exceptions when bylaws provide and circumstances require it. However, if an exception is requested 61and granted, only one person shall be designated as the official contact person for the state and the National PTA; and only 62one set of materials will be sent to the person so named. If more than one person serves, due to exception by the state, 63they must be aware that one office provides only one vote, not multiple votes.

64

 65^3 Vice Presidents are traditionally designated either by number or responsibility, i.e., first vice president, second vice 66president, membership vice president and legislation vice president.

iv An audit of the treasurer's accounts is for the protection of the treasurer. It is the only means of assuring 69everyone that the accounts are accurate, and it relieves the treasurer of responsibility except in the case of fraud. The 70auditor's report is adopted by a majority vote. See the current edition of *Robert's Rules of Order Newly Revised*, pages 71467-470.

72

 73^{4v} As a special committee is created and appointed for a specific purpose, it automatically goes out of existence when its 74work is done and its final report is received.

75*

76⁵vi To ensure the inclusion of the required (starred) articles and sections of both the National PTA and the state PTA, local 77PTA bylaws and proposed amendments must be submitted to the state PTA for approval.

78^{*}